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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,605	07/23/2004	Donald J Buckler	Portablepress	4604
23217	7590	06/28/2006	EXAMINER	
GLENN L. WEBB P.O BOX 951 CONIFER, CO 80433			BONK, TERESA	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,605

Applicant(s)

BUCKLER ET AL.

Examiner

Teresa M. Bonk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 19-24 is/are allowed.
- 6) ☒ Claim(s) 12-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the term “positioning” is misspelled on the third line.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 12-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US Patent 3,776,019) in view of Weiner (US Patent 2,788,831). Shaw discloses a press system having a mounting a table (18) below a top rail (32) on a support frame (30) with a press suspended from the top rail placed within the continuous channel (Figure 1, 6, and 7) affixing the

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edges of the plate (46) on the press against the top portion and an adjustable positioning mechanism (26). Shaw discloses an apparatus capable of placing a workpiece on the mounting table; positioning the mounting table below the support frame; positioning the press directly above a dent; attaching a tool head (22 and 60) for pressing out a dent in a metallic surface to the distal end of the press; actuating the press and applying a force against the dented area and repeating the actuation until the workpiece is restored to its original shape including switching to the opposite side.

Shaw discloses the invention substantially as claimed except for the apparatus's particular capability to be used for bumpers. Weiner discloses an apparatus for straightening metallic vehicle bumpers having a positioning mechanism (forming member 13)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the concept of Weiner's bumper positioning mechanism (forming member 13) with Shaw's invention in order to repair a workpiece other than an axle.

With regards to claims 17 and 18, the examiner takes Official Notice that it is well known in presses to place additional elements, specifically leveling blocks, relative to the workpiece in order to ensure a workpiece is in a proper or correct position.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US Patent 3,776,019) in view of Dobias (US Patent 2,717,020). Shaw discloses the invention substantially as claimed except for the press being pivotally mounted to the support frame. Dobias discloses a vehicle body and frame straightening apparatus having a press (42) being pivotally and slidably mounted (Column 2, lines 66-72 – Column 3, lines 1-24) to the support frame (27 and 28).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to have Shaw's press, in addition to being slidably mounted, be pivotally mounted as Dobias shows, since these mechanical connections allow for better maneuverability of the workpiece during processing.

Allowable Subject Matter

5. It is in the opinion of the examiner that the art of record neither anticipates nor renders obvious "a mounting table having a resilient mounting surface affixed to said support frame for supporting bumper" in combination with the rest of the claimed limitations set forth in the independent claim.

The following is a statement of reasons for the indication of allowable subject matter:
The cited art lacks a resilient mounting surface on the mounting surface affixed to the support frame for supporting a bumper.

Therefore, it is concluded by the examiner that claims 1-11 and 19-24 of the present invention are allowable.

Response to Arguments

6. Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa M. Bonk whose telephone number is (571) 272-1901. The examiner can normally be reached on M-F 7:30AM - 5PM with alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Teresa M. Bonk
Examiner
Art Unit 3725


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